

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION**

EDWIN GARDNER and
EVELYN GARDNER,

Plaintiffs,

VS.

CERTAIN UNDERWRITERS AT LLOYDS,
et al.,

Defendants.

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CIVIL ACTION NO. H-10-5003

ORDER

Numerous motions are pending in this Hurricane Ike insurance case:

1. The defendants have moved for summary judgment. (Docket Entry No. 50). The plaintiffs, Edwin and Cheryl Gardner, have responded; the defendants have replied; and the Gardners have surreplied.¹ (Docket Entry Nos. 53, 57, 59).
2. The Gardners have moved to lift abatement of this case. (Docket Entry No. 51). They subsequently filed an amended motion. (Docket Entry No. 52). The defendants have responded. (Docket Entry No. 58).
3. The Gardners have moved for a continuance on the defendants' motion for summary judgment to allow them to conduct necessary discovery to respond more fully to the defendants' motion. (Docket Entry No. 55). The defendants have responded. (Docket Entry No. 58).

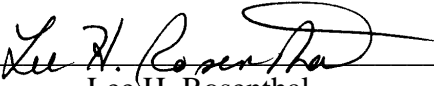
¹ In a recent case, this court stated: "[A]s one district court in this circuit has explained, '[s]urreplies are heavily disfavored by courts.'" *Branch v. CEMEX, Inc.*, Civ. A. No. H-11-1953, 2012 WL 2357280, at *9 (S.D. Tex. June 20, 2012) (quoting *Weems v. Hodnett*, No. 10-CV-1452, 2011 WL 2731263, at *1 (W.D. La. July 13, 2011)).

4. The Gardners have moved for an oral hearing on the defendants' motion for summary judgment. (Docket Entry No. 60). The defendants have responded and the Gardners have replied. (Docket Entry Nos. 61, 62).

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The Gardners' original motion to lift abatement of this case, (Docket Entry No. 51), is denied as moot in light of their amended motion, (Docket Entry No. 52). The Gardners' motion for an oral hearing, (Docket Entry No. 60), is granted. Oral argument on all remaining motions is scheduled for **11:00 a.m. on August 7, 2012** in Courtroom 11-B. If this hearing date conflicts with counsel's schedules, they should immediately advise the court's case manager, Ms. Lisa Eddins.

SIGNED on August 2, 2012, at Houston, Texas.



Lee H. Rosenthal
United States District Judge